



**US Army Corps  
of Engineers**  
Portland District

# **PUBLIC NOTICE**

## **for Permit Application**

**30-Day Notice**

Issue Date: May 6, 2003  
Expiration Date: June 5, 2003  
Corps of Engineers Action ID: 199900279  
Oregon Division of State Lands Number: RP-7975

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

**Comments:** Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and should reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers  
ATTN: CENWP-OP-GP (Ms. Michele Hanson)  
1600 Executive Parkway Suite 210  
Eugene, Oregon 97401

**Applicant:** Weyerhaeuser Company  
P.O. Box 275  
Springfield, Oregon 97477

**Location:** McKenzie River Slough, River Mile 15.9, in SW ¼ Section 29, Township 17 South, Range 2 West, in Lane County, Oregon.

**Project Description:** Weyerhaeuser Company is requesting a five-year permit to annually dredge their existing diversion channel located in the McKenzie Slough, beginning from its confluence with the McKenzie River and ending at their water intake structure. Weyerhaeuser Company states that the diversion channel provides their only permanent water supply for plant operation and fire protection. The pump station is located about 2,400 feet from the diversion channel's confluence with the McKenzie River.

A total of 2.9 acres of area would be affected, 2,100 feet in length by 60 feet in width for a total annual removal of 3,000 cubic yards of accumulated silts. A small hydraulic dredge or a clamshell bucket would work from an existing base work area that provides access to the slough for dredging in order to minimize bank damage along the channel. Weyerhaeuser Company would implement appropriate sediment and erosion control measures such as hay bales, silt curtains and sediment fencing to limit or reduce the movement of silts back into the waterway. All dredged material would be placed in an adjacent upland location where it would dewater behind a berm that separates the disposal site from the slough.

Weyerhaeuser Company is requesting to work outside the in-water work period of July 15 to August 31 by initiating dredging operations in the slough from July 1 through August 31 annually.

In 2001, the Corps authorized maintenance dredging of the channel in anticipation of drought conditions and associated low flows that could affect water supplies to the plant facility. In addition, after a review of alternatives, the placement of four (4) temporary pumps in the McKenzie River was also authorized to provide an emergency water supply to the facility in the event of inadequate water surface levels at the permanent water intake.

Weyerhaeuser Company is also requesting the following modifications to Condition #2 of any Section 401 Water Quality certification that would be issued:

1. to exceed 10 percent above the natural turbidity in the McKenzie Slough for a distance of 200 feet downstream from the outlet for the fish by-pass culvert;
2. that monitoring points be allowed 200 feet downstream (instead of 100 feet) of the outlet for the fish by-pass culvert (instead of the discharge point) and that visible project-related turbidity at 200 feet downstream of the outlet for the fish by-pass culvert be considered an exceedance for the turbidity standard;
3. that turbidity be measured or visually assessed and recorded at a minimum of every four hours (instead of two hours) during active construction periods;
4. that if a 10 percent exceedance of the background level occurs at 200 feet downstream below the outlet for the fish by-pass culvert, the activity would be modified and monitored every four hours (instead of two hours); and
5. if exceedance is documented to continue after two consecutive four-hour measurements the in-water activity would cease.

**Purpose:** According to the applicant, the purpose of the project is to provide a reliable water supply to Weyerhaeuser's Springfield Mill facility for plant operation and fire protection over the coming five-year period.

**Drawing(s):** Four (4) drawings labeled 199900279 Weyerhaeuser Company are attached.

**Additional Information:** Additional information may be obtained from Ms. Michele E. Hanson, at the above address or telephone (541) 465-6878 or email [michele.e.hanson@nwp01.usace.army.mil](mailto:michele.e.hanson@nwp01.usace.army.mil).

**Authority:** This permit will be issued or denied under the following:

Section 10, Rivers and Harbors Act 1899 (33 U.S.C. 403), for work in or affecting navigable waters of the United States.

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

**Water Quality Certification:** A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

**Section 404(b)(1) Evaluation:** The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

**Public Hearing:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

**Endangered Species:** Preliminary determinations indicate that the proposed activity may affect Oregon coast coho salmon and Oregon chub, endangered or threatened species, or their critical habitat. Consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) will be initiated. A permit for the proposed activity will not be issued until the consultation process is completed.

**Cultural Resources:** The described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. This notice has been provided to the State Historic Preservation Office.

**Evaluation:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**Additional Requirements:** State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.

**PUBLIC NOTICE**  
**Oregon Department of Environmental Quality**  
**Water Quality 401 Certification**

Corps of Engineers Action ID Number: 199900279  
Oregon Division of State Lands Number: RP-7975

Notice Issued: May 6, 2003  
Written Comments Due: June 5, 2003

**WHO IS THE APPLICANT:** Weyerhaeuser Company

**LOCATION OF CERTIFICATION ACTIVITY:** See attached U.S. Army Corps of Engineers public notice.

**WHAT IS PROPOSED:** See attached U.S. Army Corps of Engineers public notice on the proposed project.

**NEED FOR CERTIFICATION:** Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to surface waters.

**DESCRIPTION OF DISCHARGES:** See attached U.S. Army Corps of Engineers public notice on the proposed project.

**WHERE TO FIND DOCUMENTS:** Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, Water Quality Division, 811 S.W. Sixth Avenue, Portland, Oregon 97204.

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Ms. Alice Kavajecz at (503) 229-6962.

Any questions on the proposed certification may be addressed to the 401 Program Coordinator, (503) 229-5845 or toll free within Oregon at 1-800-452-4011. People with hearing impairments may call DEQ's TTY at (503) 229-6993.

**PUBLIC PARTICIPATION:**

**Public Hearing:** Oregon Administrative Rule (OAR) 340-48-0020 (6) states that "The Director shall provide an opportunity for the applicant, any affected state, or any interested agency, person, or group of persons to request or petition for a public hearing with respect to certification applications. If the Director determines that new information may be produced thereby, a public hearing will be held prior to the Director's final determination. Instances of doubt shall be resolved in favor of holding the hearing. There shall be public notice of such a hearing."

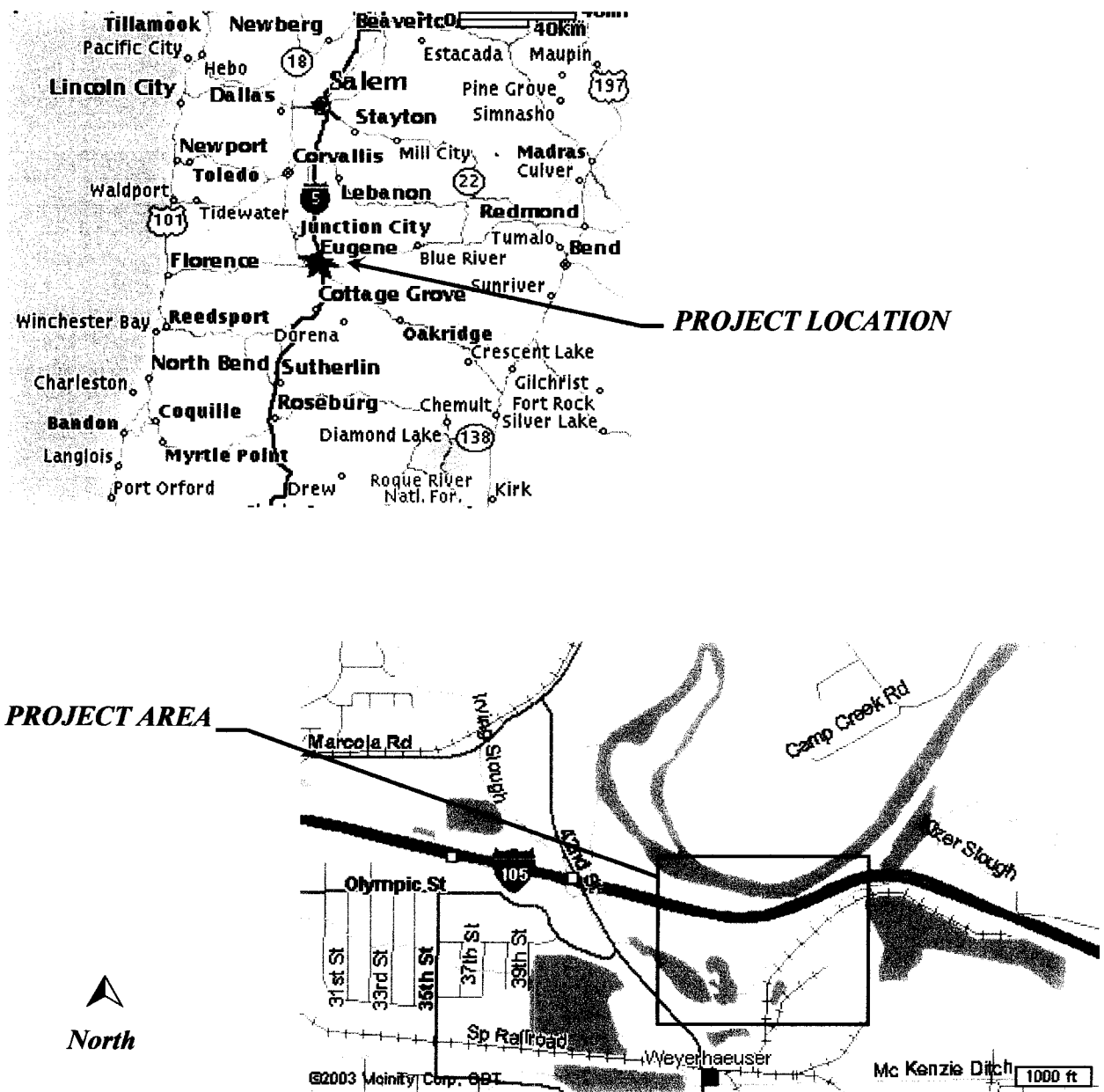
**Written comments:**

Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on (full date). Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Program Coordinator, 811 S.W. 6th Avenue, Portland, Oregon 97204. *People wishing to send written comments via e-mail should be aware that if there is a delay between servers or if a server is not functioning properly, e-mails may not be received prior to the close of the public comment period.* People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format to [deq.infor@deqstate.or.us](mailto:deq.infor@deqstate.or.us). Otherwise, due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

**WHAT HAPPENS NEXT:** DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. Otherwise, if you wish to receive notification, please call or write DEQ at the above address.

**ACCESSIBILITY INFORMATION:** This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Public Affairs at (503) 229-5766 or toll free within Oregon at 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.

Figure 1: Vicinity Map, McKenzie Slough Dredging permit, Lane County, Oregon.



Source: MapQuest.com, 2003

**Figure 3: McKenzie Slough Maintenance Dredging Plan**

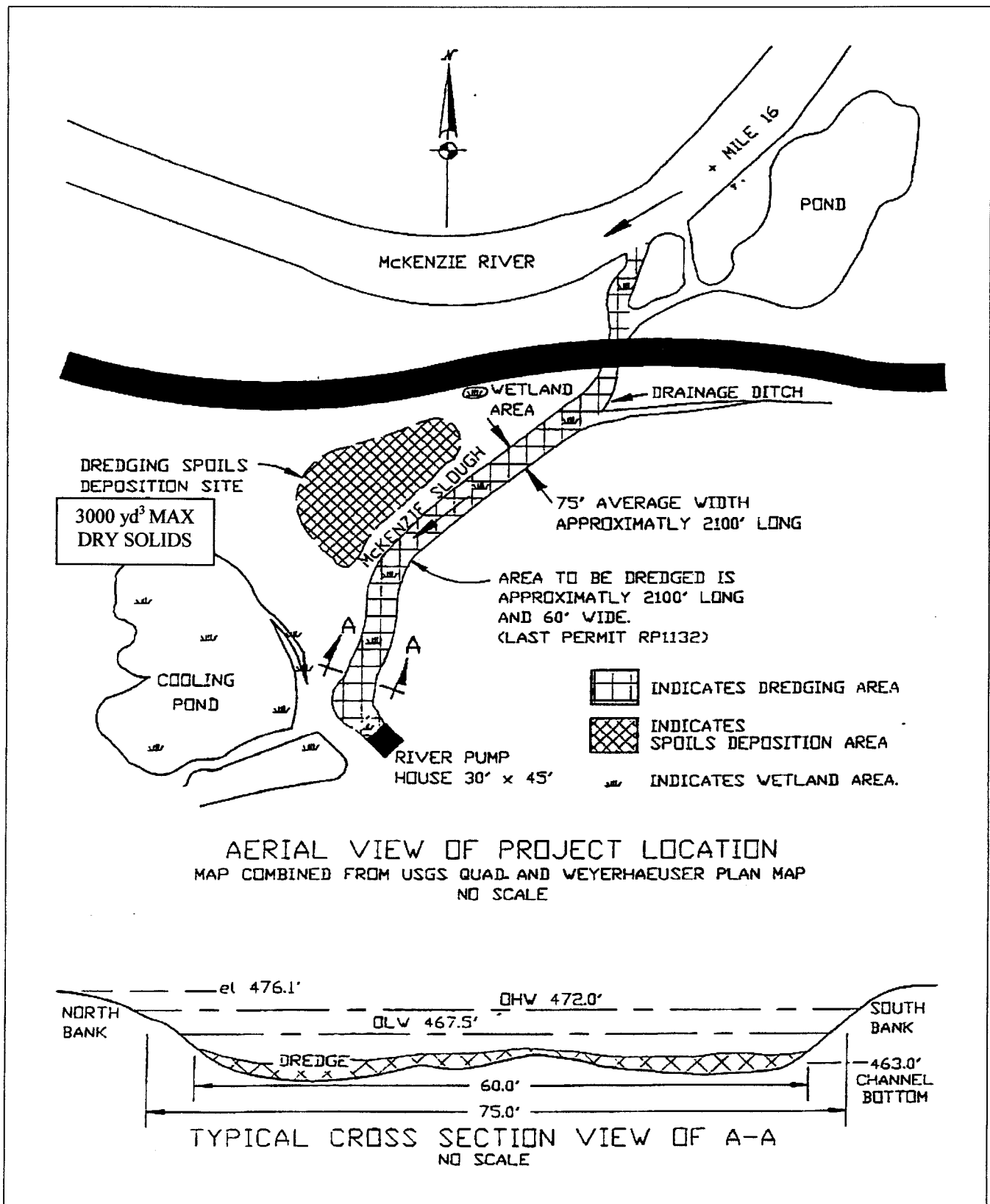
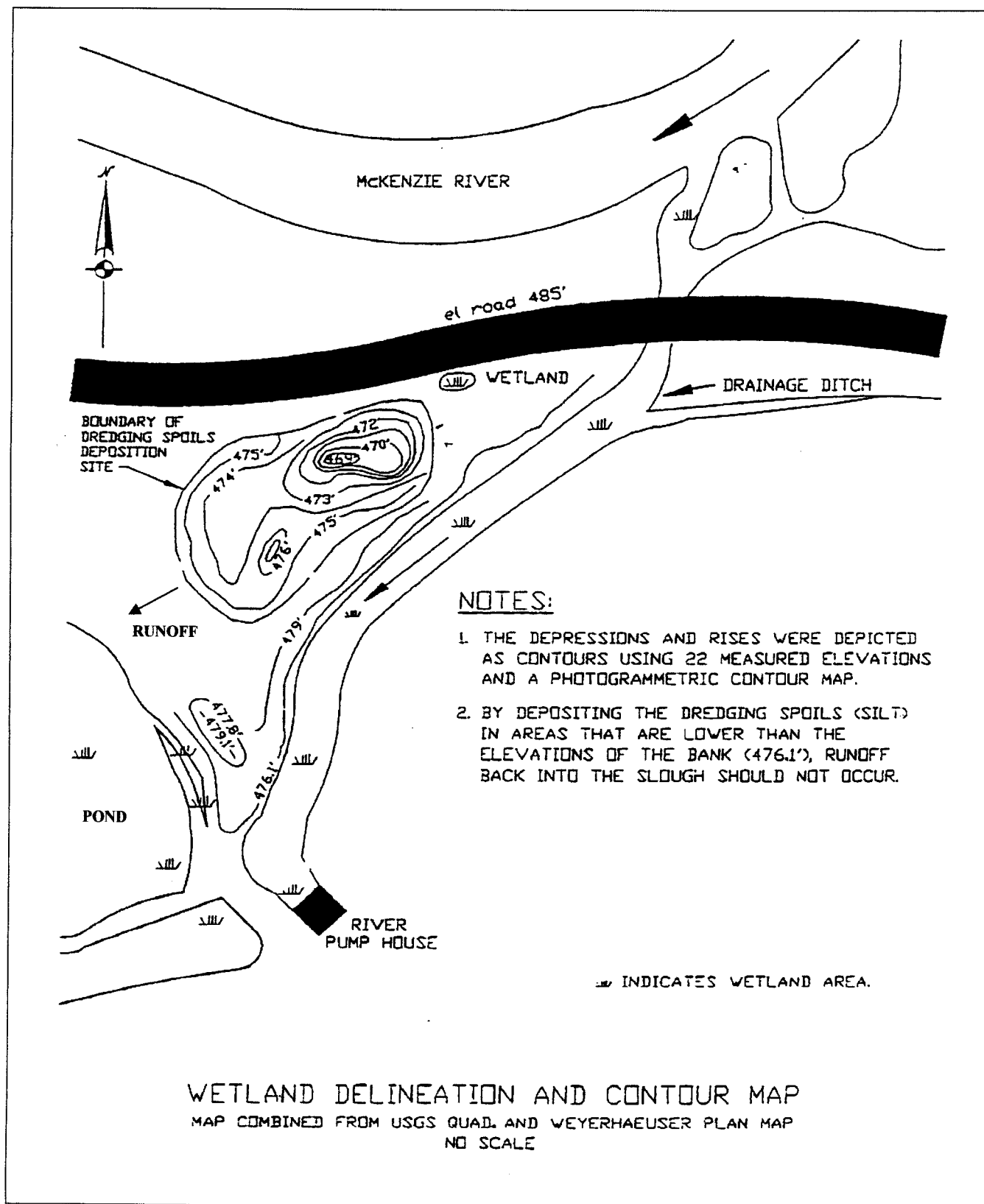


Figure 2: McKenzie Slough Wetland Delineation





**Figure 4: Fish Screen and Fish Bypass Culvert at Water Intake Pump**

